

## CIVIL COVER SHEET

JS 44 (Rev. 11/04)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> Microsoft Corporation		<b>DEFENDANTS</b> Mitchell S. Ackerman, AGA Solutions, Inc. and Lee K. Ackerman <b>HURLEY, J.</b> County of Residence of First Listed Defendant <u>Passau County, NY</u> (IN U.S. PLAINTIFF CASES ONLY)																									
<b>(b) County of Residence of First Listed Plaintiff</b> <u>King County, WA</u> (EXCEPT IN U.S. PLAINTIFF CASES)		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. <b>ORENSTEIN, M.</b> Attorneys (If Known)																									
<b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> Daniel M. Gitner, Lankler Siffert & Wohl LLP 500 5th Avenue, New York, NY 10110, Tel. (212) 921-8399		<b>FILED</b>																									
<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)		<b>III. CITIZENSHIP OF PRINCIPAL EXPERTISE</b> (Place an "X" in One Box for Plaintiff (For Diversity Cases Only) and One Box for Defendant)																									
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input checked="" type="checkbox"/> PTF <input type="checkbox"/> DEF <b>DEC 13 2005</b> <input checked="" type="checkbox"/> PTF <input type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4																								
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> BROOKLYN OFFICE <input type="checkbox"/> 5 <input type="checkbox"/> 5	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 6 <input type="checkbox"/> 6																								
<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)		<b>FORFEITURE/PENALTY</b>																									
<table border="1"> <tr> <td><b>CONTRACT</b></td> <td><b>TORTS</b></td> <td><b>BANKRUPTCY</b></td> <td><b>OTHER STATUTES</b></td> </tr> <tr> <td> <input type="checkbox"/> 110 Insurance  <input type="checkbox"/> 120 Marine  <input type="checkbox"/> 130 Miller Act  <input type="checkbox"/> 140 Negotiable Instrument  <input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment  <input type="checkbox"/> 151 Medicare Act  <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. 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<b>V. ORIGIN</b> <input checked="" type="checkbox"/> 1 Original Proceeding	(Place an "X" in One Box Only)		<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment																			
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title 17 U.S.C. § 501, 15 U.S.C. § 1114, 15 U.S.C. § 1125, 18 U.S.C. § 2318, N.Y. Gen. Bus. L. § 349																											
Brief description of cause: Copyright Infringement and Trademark Infringement																											
<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23		DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																						
<b>VIII. RELATED CASE(S) IF ANY</b>		(See instructions):		JUDGE	DOCKET NUMBER																						
DATE	SIGNATURE OF ATTORNEY OF RECORD																										
12/13/2005	<i>Daniel M. Gitner /pm</i>																										
FOR OFFICE USE ONLY																											
RECEIPT #	AMOUNT	APPLYING IPP	JUDGE	MAG. JUDGE																							

ARBITRATION CERTIFICATION

I, Daniel M. Gitner, counsel for Microsoft Corporation

do hereby certify pursuant to the Local Arbitration Rule 83.10 that to the best of my knowledge and belief the damages recoverable in the above captioned civil action exceed the sum of \$150,000 exclusive of interest and costs.

Relief other than monetary damages is sought.

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DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:

None.

Did the cause arise in Nassau or Suffolk County? Yes

If answered yes, please indicate which county. Nassau

County of residence of plaintiff(s) (1) Microsoft Corporation, One Microsoft Way, Redmond, WA 98052  
(2) \_\_\_\_\_  
(3) \_\_\_\_\_

County of residence of defendant(s) (1) Mitchell S. Ackerman, 62 Ivy Drive, Jericho, New York, 11753  
(2) AGA Solutions, Inc., 62 Ivy Drive, Jericho, New York, 11753  
(3) Lee K. Ackerman, 62 Ivy Drive, Jericho, New York, 11753

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**I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.**

Yes

No \_\_\_\_\_

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

Yes \_\_\_\_\_ (If yes, please explain)

No

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Please provide your E-MAIL Address and bar code below. Your bar code consists of the initials of your first and last name and the last four digits of your social security number or any other four digit number registered by the attorney with the Clerk of Court.

(This information must be provided pursuant to local rule 11.1(b) of the civil rules).

ATTORNEY BAR CODE: DG-3430

E-MAIL Address: Dgitner@Lswlaw.com

I consent to the use of electronic filing procedures adopted by the Court in Administrative Order No. 97-12, "In re Electronic Filing Procedures(EFP)", and consent to the electronic service of all papers.

Signature: Daniel M. Gitner 22  
Daniel M. Gitner (DG-3430)